



Dated: 5/24/2019

**IN THE UNITED STATES BANKRUPTCY COURT
FOR THE MIDDLE DISTRICT OF TENNESSEE
NASHVILLE DIVISION**

In re:)
) **Case No. 3:19-bk-1971**
CAPSTONE PEDIATRICS, PLLC)
) **Chapter 11**
Debtor.)

**ORDER AUTHORIZING RETENTION AND EMPLOYMENT OF
BURR & FORMAN LLP AS COUNSEL TO THE DEBTORS,
NUNC PRO TUNC TO THE PETITION DATE**

Upon the application (the “Application”)¹ of the above-captioned debtor and debtor in possession (the “Debtor”) for entry of an order authorizing the Debtor to retain and employ BURR & FORMAN LLP (“B&F”) as its counsel *nunc pro tunc* to the Petition Date, all as more fully described in the Application; and the Court having jurisdiction to consider the Application and the relief requested therein in accordance with 28 U.S.C. §§ 157 and 1334; and consideration of the Application and the relief requested therein being a core proceeding under 28 U.S.C. § 157(b)(2); and venue being proper before this Court under 28 U.S.C. §§ 1408 and 1409; and upon due and sufficient notice of the Application having been provided under the particular circumstances, and it appearing that no other or further notice need be provided; and this Court’s entry of a final order being consistent with Article III of the United States Constitution; and a hearing having been scheduled and, to the extent necessary, held to consider the relief requested in the Application (the “Hearing”); and upon the Second Amended Houston Declaration and the Amended Toler

¹ Capitalized terms used herein and not otherwise defined shall have the meaning ascribed to such terms in the Application.

Declaration submitted in support of the Application and the record of the Hearing (if any was held) and all of the proceedings before the Court; and the Court having found and determined that the relief sought in the Application is in the best interests of the Debtor, its estate and creditors and all parties in interest; and this Court having found and determined that the legal and factual bases set forth in the Application, the Second Amended Houston Declaration and the Amended Toler Declaration establish just cause for the relief granted herein; and after due deliberation and sufficient cause appearing therefor,

IT IS HEREBY ORDERED THAT:

1. The Application is GRANTED as set forth herein.
2. Pursuant to sections 327(a), 328 and 330 of the Bankruptcy Code, the Debtor is authorized to retain and employ B&F as counsel to the Debtor in accordance with the terms and conditions set forth in the Application, effective *nunc pro tunc* to the Petition Date.
3. B&F shall apply for compensation for professional services rendered and reimbursement of expenses incurred in connection with the Debtor's Chapter 11 case in accordance with the procedures set forth in sections 330 and 331 of the Bankruptcy Code, applicable provisions of the Bankruptcy Rules, the Local Rules, and any order of this Court.
4. B&F shall exhaust the remainder of the retainer it holds prior to seeking additional payment from the estate and further B&F shall provide a credit to the Debtor of \$4,850.00 to be applied to B&F fees that may be approved in this case.
5. In the event of any inconsistency between the Application, the Second Amended Houston Declaration, the Amended Toler Declaration, and this Order, the terms of this Order shall govern.

6. The terms and conditions of this Order shall be immediately effective and enforceable upon its entry.

7. The Debtor and B&F are authorized to take all actions necessary to effectuate the relief granted pursuant to this Order in accordance with the Application.

7. This Court shall retain jurisdiction with respect to all matters arising from or relating to the interpretation or implementation of this Order.

This order was signed and entered electronically as indicated at the top of the first page.

APPROVED FOR ENTRY:

/s/ David W. Houston, IV

David W. Houston, IV (BPR #20802)

Emily C. Taube (BPR #19323)

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Proposed Counsel for the Debtor

This Order has been electronically signed. The Judge's signature and Court's seal appear at the top of the first page.
United States Bankruptcy Court.